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10
11 *Attorneys for Defendants,*
12 *Stephen Fairfax and MTechnology*

13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

15 SWITCH, LTD.,
16 a Nevada limited liability company,

17 Plaintiff,

18 vs.

19 STEPHEN FAIRFAX; MTECHNOLOGY;
20 DOES 1 through 10; and ROE ENTITIES 11
21 through 20, inclusive,

22 Defendants.

23 Case No.: 2:17-cv-2651

24 **NOTICE OF REMOVAL
TO FEDERAL COURT**

25 **TO: THE CLERK OF THE U.S. DISTRICT COURT FOR THE DISTRICT OF NEVADA**

26 PLEASE TAKE NOTICE that Defendants Stephen Fairfax and MTechnology
27 hereby remove to this Court the state action described below. Defendants give
notice that this action is removed to the United States District Court for the District
of Nevada from the Eighth Judicial District Court for Clark County, Nevada. This
Notice is filed pursuant to 28 U.S.C. § 1441(a), and the basis for removal is federal
question jurisdiction pursuant to 28 U.S.C. § 1331.

28 **BACKGROUND**

29 1. Plaintiff Switch, Ltd. ("Switch") filed this action on September 12, 2017
30 in the Eighth Judicial District Court for Clark County, Nevada, Case No. A-17-

1 761382-C. A true and correct copy of the Complaint and the other documents
2 filed thus far in this action are attached hereto as **Exhibits A & B.**

3 2. Plaintiff's Sixth Claim for Relief, Misappropriation of Trade Secrets, is
4 explicitly made pursuant to federal statute, 18 U.S.C. § 1836, et seq. The U.S.
5 District Court for the District of Nevada is the proper venue for this case.

6 **STATUTORY REQUIREMENTS**

7 3. Removal is only appropriate for cases that might have originally been
8 brought in federal court. See 28 U.S.C. § 1441(a).

9 4. 28 U.S.C. § 1331 provides that federal "district courts shall have
10 original jurisdiction of all civil actions arising under the Constitution, laws, or treaties
11 of the United States."

12 5. Pursuant to 28 U.S.C. § 1337(a), when a district court possesses original
13 jurisdiction over some of the plaintiff's claims, it also has "supplemental jurisdiction
14 over all other claims that are so related to claims in the action within such original
15 jurisdiction that they form part of the same case or controversy under Article III of
16 the United States Constitution."

17 6. Here, Plaintiff Switch's Sixth Claim for Relief is made pursuant to the
18 laws of the United States, specifically 18 U.S.C. § 1836, et seq. This Court has
19 original jurisdiction over that claim for relief.

20 7. Switch has asserted 7 additional claims for relief against Defendants:
21 (1) Breach of Contract; (2) Breach of the Implied Covenant of Good Faith and
22 Fair Dealing; (3) Tortious Breach of the Implied Covenant of Good Faith and Fair
23 Dealing; (4) Unjust Enrichment; (5) Conversion; (6) Misappropriation of Trade
24 Secrets pursuant to the Nevada Revised Statutes; and (7) Misappropriation of
25 Licensable Commercial Properties. All of these claims are so related to Plaintiff's
26 federal claim and the alleged facts related to that claim that they form part of
27 the same case or controversy.

PROCEDURAL REQUIREMENTS

8. Pursuant to 28 U.S.C. § 1446(a), this Notice of Removal is signed
3 subject to Rule 11 of the Federal Rules of Civil Procedure.

4. Pursuant to 28 U.S.C. § 1446(a), Defendants file this Notice of Removal
5 in the U.S. District Court for the District of Nevada, which is the federal district court
6 embracing the Eighth Judicial District Court for Clark County, Nevada, where
7 Plaintiff brought this action.

8. This matter was filed on September 12, 2017, and Defendants were
9 served with notice of the action and with the Complaint on September 25, 2017.
10 Service constituted their first notice of filing. Therefore, removal is timely pursuant
11 to 18 U.S.C. § 1446(b).

12. Defendants MTechnology and Stephen Fairfax are presently the only
13 named Defendants in this lawsuit, and both consent to removal of this case.

14. Pursuant to 18 U.S.C. § 1446(d), Defendants will promptly serve on
15 Plaintiff and file with the state court a Notice to Plaintiff of Removal to Federal
16 Court, informing Plaintiff that the matter has been removed to federal court.

CONCLUSION

18. WHEREFORE, this action should proceed in the U.S. District Court for the
19 District of Nevada as an action properly removed thereto.

20. Dated: October 12, 2017.

21. Respectfully submitted,

22. /s/ Ronald D. Green
23. Marc J. Randazza (NV Bar No. 12265)
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Alex J. Shepard (NV Bar No. 13582)
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26. *Attorneys for Defendants*
27. *Stephen Fairfax and MTechnology*

Case No. 2:17-cv-2651

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 12, 2017, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I further certify that a true and correct copy of the foregoing document being served via electronic mail and U.S. Mail to the attorneys listed below:

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Respectfully Submitted,

Employee,
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